

DISCUSSION OF EXAMINER'S FINDINGS:

Objections and/or rejections based upon alleged findings brought forth by the examiner in the papers provided with the **FIRST** Office Action have been reviewed and the applicant's statements and rebuttal response follows:

5 **Definitions:**

Cited by USPTO:

US Patent 6,332,100	Sahai et al	C06F 17/00	- hereinafter '100
US Patent 6,771,163	Linnett et al	G08B 1/00	- hereinafter '163

Made of Record by USPTO

10 US Patent 2003/0,027,547	Wade	455/404	- hereinafter '547
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Other:

<u>This Pending Application</u>	- hereinafter '822
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OFFICE ACTION ISSUES:

15 **CLAIMS STATUS**

Claims 1-3, 5, 9, 13, 17 and 19 stand rejected under 35USC102(a) as being unpatentable [by] over Linnett et al (US Pat. 6,771,163).

Claims 6, 14 and 20 stand rejected under 35USC103(a) as being unpatentable over Linnett et al in view of Sahai et al (US Pat. 20 6,332,100).

Claims 4, 7-8 and 10-12 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including the limitations of the base claim.

CLAIMS AMENDMENTS

25 In view of a substantial amendment of the original claims, the instructions for cancellation of original claims 1-20 and substitution of new claims 21-40 shall be entered. The new claims appear elsewhere in this paper.

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DISCUSSION OF EXAMINER'S FINDINGS

35USC102(a) REJECTION ISSUES

Claims 1-3, 5, 9, 13, 17 and 19 stand rejected under **35USC102(a)** as being anticipated by Linnett et al -163. Applicant presently offers discussion to overcome the rejection(s).

The NEW independent claims 21, 29 and 37 incorporate the allowable substance of canceled claims 7-8 and 12. The new claims include the response time interval modulation of the active mode "window of opportunity" for the at-risk user to manually enter an acknowledgment by actuating a switch or the like on the wearable hailing device.

Compare from original Claim 7:

"deriving an at-risk user's response trend value by ascertaining a time elapse which occurs between the cuing of the at-risk user and the submission of the manual acknowledgment of the cuing event"

Now equivalently reads in new Claim 21:

"ascertaining a response time delay which occurs between the sensible cuing of the at-risk user and the timely submission of the manual acknowledgment of the cuing event".

Similarly from original Claim 7:

"reducing the first timing interval in proportion to an increase in the at-risk user's response trend value"

and from original Claim 8:

"increasing the first timing interval in proportion to a decrease in the at-risk user response trend value"

Now equivalently reads in new Claim 21:

"reducing duration of the first time interval relative with an increase in the response time delay;

increasing the duration of the first time interval relative with a decrease in the response time delay".

Also find that new Claim 29 reads equivalently as:

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"measuring duration of a response time lapse between onset of the active mode and the manual acknowledgment;
changing the first timing interval relative with a change in the measured duration of the response time lapse".

5 Further find that new Claim 37 includes:

"assessment means for measuring response time lapse between the onset of the active mode and the timely actuation of the manual response means;
adjustor means for changing duration of the first time interval relative with the measured response time lapse".

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These new claims incorporate the allowable essence of original claims 7-8 and 12 to make the operational characteristics of the invention automatically adaptive to a measured change in the at-risk user's response time behaviour.

15 The new claims 34 and 38 also express the allowable matter of original claims 4 and 10.

INTEGRATION OF ALLOWABLE MATTER

In view of the inclusion of the allowable subject matter of original claims 7,8 and 12 into the new independent claims 21,29
20 and 37 the new claims set should be allowed, including the new dependent claims 22-28,30-36 and 38-40 that become dependent on the allegedly allowable claims 21,29 and 37.

NO NEW MATTER

The new claims 21-40 have retained all the limitations of the original claims 1-20. No new material is intended or included beyond that which is depicted in the original drawings and expressed in the original specification.

25 The invention -163 of Linnett et al is a decidedly more complex apparatus than what is intended by the present invention. My invention

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is focused on the basic but essential needs of elderly, enfeebled and physically or mentally challenged persons who may benefit from vigilant monitoring of day to day activity and wellbeing. For this reason, the present invention surpasses the prior art in combining minimal operational confusion with repetitive interrogation.

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SUMMARY OF REBUTTAL

The allowable matter of original claims 7-8 and 12 having now been incorporated into the rewritten new independent claims 21,29 and 37 shall serve to place all the new claims 21-40 as allowable on their merit.

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REQUEST FOR ASSISTANCE

The preceding matter has been prepared solely by me as the inventor and applicant and is correct and in proper form to the best of my knowledge. This is a pending pro se application, and as such the examiner is requested to provide me with any reasonable additional assistance in processing this application as may be provided for under any general rules or policies of the USPTO, or under MPEP 707.07(j).

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707.07(j) State When Claims are Allowable

INVENTOR FILED APPLICATIONS-

When, during the examination of a pro se case, it becomes apparent to the examiner that there is patentable subject matter disclosed in the application, the examiner *shall draft one or more claims for the applicant* and indicate in his or her action that such claims *would be allowed* if incorporated in the application by amendment.

This practice will expedite prosecution and offer a service to individual inventors not represented by a registered patent attorney or agent. Although this practice may be desirable and is permissible in any case where deemed appropriate by the examiner, it will be expected to be applied in all cases where it is

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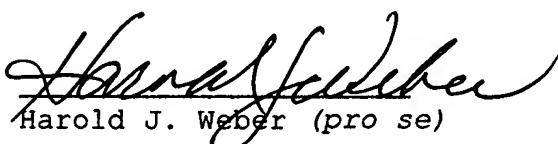
TELEPHONE CONTACT:

The examiner is urged to telephone the applicant if the examiner has any further questions or concerns which may be resolved through telecommunications and/or an **examiner's amendment**. The applicant may
5 be reached at the voice-mail telephone number **(508) 771-4956**. When the voice mail system picks-up, please leave a message as to the nature of the call and the *best time* to return a call relative with the examiner's schedule.

10 The examiner may also FAX (*facsimile*) documents to the applicant through a 24-hour FAX number **(508) 771-8708**. The applicant may also be reached by E-Mail at:

trustee@SavvyStuff.com.

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Harold J. Weber (pro se)

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